

DOCKETED

Docket Number:	23-FDAS-01
Project Title:	Pool Controls Rulemaking
TN #:	252306
Document Title:	California Investor Owned Utilities Comments - for FDAS Pool Controls Second 15-day Language
Description:	N/A
Filer:	System
Organization:	California Investor Owned Utilities
Submitter Role:	Public
Submission Date:	9/18/2023 4:00:59 PM
Docketed Date:	9/18/2023

*Comment Received From: California Investor Owned Utilities
Submitted On: 9/18/2023
Docket Number: 23-FDAS-01*

Comment Letter for FDAS Pool Controls Second 15-day Language

Additional submitted attachment is included below.



September 18, 2023

Efficiency Division, Appliances Office
California Energy Commission
715 P Street
Sacramento, CA 95814

Topic: Flexible Demand Appliance Standards for Pool Controls

Docket Number: 23-FDAS-01

TN Number: 252114

Dear Commission,

This letter comprises the comments of the Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE), collectively referred to herein as the California Investor-Owned Utilities (CA IOUs), in response to the California Energy Commission Second 15-Day Proposed Regulatory Language for Flexible Demand Appliance Standards (FDAS) for Pool Controls.

The CA IOUs represent some of the largest utility companies in the nation, serving over 32 million customers in the Western U.S. We are committed to helping customers reduce energy costs and consumption while striving to meet their evolving needs and expectations. Therefore, we advocate for standards that accurately reflect the climate and conditions of our respective service areas.

We respectfully submit the following comments to the California Energy Commission (CEC).

1. The CA IOUs appreciate the CEC's revisions to the proposal and support changes to the proposed regulatory language that align with recommendations in prior CA IOU comments.

The CA IOUs appreciate the CEC's efforts to revise the proposal to include recommendations put forth by the CA IOUs in prior comments on FDAS for pool controls. We strongly support the removal of the radio data system definition from this proposal and the removal of the requirement for pool controls to contain radio broadcast data system receivers. Additionally, we support moving the operating status communication requirements to the appliance-specific requirements section to clarify how these requirements are applicable to pool controls. In the pool control definition, we support the exclusion of pool pump controls that are integral to a single pool filter pump and that only control that device and the exclusion of safety interlock shutoff devices. These exclusions help to address the health and safety concerns expressed in previous stakeholder comments. We also appreciate changes to several proposed definitions in the standard that align with prior CA IOU comments and believe that these changes will increase the clarity and enforceability of the regulation.

2. The CA IOUs propose changes to the Definitions in the proposed regulatory language.

We propose changes to definitions in section 1691 to improve regulation clarity.

The “connected device” definition states that connected devices “can wirelessly communicate.” Per the Rules of Construction in section 1690.1, “shall” is used for mandatory provisions while “may” is permissive. The use of “can” in this definition is ambiguous as it does not align with these terms, so its use in the definition could be clarified. Furthermore, as stated in prior comments, although this definition would apply to future FDAS, a requirement for wireless communication may not be universally applicable across all appliances as some appliances may use a wired connection for communication. Therefore, we recommend striking the word “wirelessly” from the connected device definition to allow flexibility for future FDAS appliances to connect via other means.

We recommend striking the “connected ready” device definition from the proposal. The proposal does not require pool controls to be connected ready devices so this term has no regulatory impact. The removal of the definition would allow for this definition to be more thoroughly vetted in any future FDAS rulemaking that may require this functionality in devices. Additionally, we would recommend striking references to “connected ready” devices where they appear elsewhere in the proposed regulatory language, including in sections 1694 and 1696.

We recommend removing the new definitions for “consumer” and “customer” that were added in the revised CEC proposal. The use of the two terms throughout the proposal is sufficiently clear without the added definitions. The new definitions are relatively narrow and may not be suitable for all future FDAS. The FDAS definitions for these terms also differ from other commonly used definitions for these terms, which could create confusion.¹ Removing these definitions and allowing for interpretation of these terms as they are commonly used would be sufficient for the purposes of this regulation.

The “pool control” definition could be clarified to reduce ambiguity and reduce redundancy in the language. The current definition nearly duplicates the statement that pool controls have the “capability to start, stop, or otherwise control the operation of a pool filter pump” by additionally stating that they include equipment that “has the capability to schedule the operation or control the start or stop times of a pool filter pump.” The definition could be clarified by reverting to the definition proposed in the 45-day language proposal — which did not include controls integral to a single pool filter pump that control only that pump — while maintaining the added exclusion for safety interlock equipment. Therefore, the proposed definition for pool control would read:

“Pool control” means any component or group of components including software that:

- (1) Has the capability to start or stop the operation of a pool filter pump and other pool equipment, and
- (2) Uses single-phase AC power as input power.

“Pool control” excludes:

- (A) controls marketed exclusively for use as a control for pool filter pumps with a rated hydraulic horsepower (hhp) greater than 2.5 hhp; or
- (B) safety interlock shutoff controls.

¹ For example, the California Consumer Privacy Act of 2018 defines consumer as “a natural person who is a California resident” (CIV 1798.140 (i)).

We recommend modifying the definition of “pool filter pump” to align with the definition of “pool filter pump” used in 20 CCR § 1602 and 10 CFR 431.462. Alternatively, the “pool filter pump” definition could be removed from this regulation and users could then refer to these preexisting related standards to define this term. The definition in the proposed regulatory language departs from the well-understood meaning of this term, and the phrase “other type of end-suction pump motor for the purpose of circulating pool water through a filter or strainer” is undefined and unbounded. This ambiguous language creates the risk of including unintended products in this regulation.

3. The CA IOUs propose changes to the General Requirements in the proposed regulatory language.

We support the CEC’s inclusion of cybersecurity provisions in this regulation to help ensure secure data transmission and protection of consumer data. We note that the data protection requirement in section 1692(c)(3)(A) is more restrictive than the requirements in the California Consumer Privacy Act of 2018 and may stifle innovation in products. Products may have legitimate reasons to collect personal information that is unrelated to the function of a device; for example, products may offer user-accessible storage of personal information, or they may collect data for research purposes with user consent. We recommend removing the restriction in section 1692(c)(3)(A) on information collection or transmission for uses other than the function of the device and instead deferring to the Consumer Privacy Act for permissible treatment of personal information.

4. The CA IOUs propose changes to the Appliance Specific Requirements in the proposed regulatory language.

We recommend clarifying changes to the effective date in the appliance-specific requirements for pool controls in section 1693(b)(1). Tying the effective date of this standard to the compliance date of a federal standard outside the control of this rulemaking does not provide manufacturers or consumers with certainty on when the effective date for this standard will be. To improve clarity and provide certainty for users of this standard, we recommend striking the following language:

“with respect to products manufactured on or after the earlier of either the compliance date of the federal energy conservation standards for dedicated purpose pool pump motors with motor total horsepower from 1.15 THP to 5 THP or”.

Instead, we recommend that the CEC maintain the following provision:

“Effective date. The standards for pool controls shall be effective 2 years after adoption by the Energy Commission.”

Additionally, the clock requirements in section 1693(b)(2)(B)(2) now require a “local manual control” that can start and stop operations of the pool filter pump and any controlled electric pool heaters or pressure cleaner booster pumps. We note that this provision may necessitate an added cost for products without this feature. This feature is not necessary to enable demand flexibility, which can be provided by other means given that a user interface for operation is required in 1693(b)(2)(B)(3). Therefore, we recommend that this requirement be removed from the proposal.

5. The CA IOUs propose changes to the Data Submittal Requirements in the proposed regulatory language.

The data submittal requirements in section 1696 now allow for the submission of a range of “possible” answers rather than clearly stating “permissible” responses for appliances to comply with the standard.

Changing the data submittal requirements from “Permissible Answers” to “Possible Answers” creates ambiguity as to what is required and may lead manufacturers to attempt to certify non-compliant products. We recommend aligning the construction of the data submittal requirements with the structure used for appliance efficiency standards (i.e., 20 CCR § 1606 Table X) such that the data submittal requirements clearly reflect requirements for products to be certified under the standard. This change would entail restricting responses for Table A-1, Table A-2, and Table B-1 to “Permissible Answers” and including only permissible responses in the listed responses within these tables.

6. The CA IOUs put forth recommendations for future FDAS rulemakings.

The CA IOUs appreciate the CEC’s efforts to draft California’s first flexible demand appliance standards. For future FDAS rulemakings, we urge the CEC to prioritize appliance flexible demand capabilities such as dispatchability, third-party communication with utilities and aggregators, and the ability to shed, shift, and modulate demand in response to grid needs, in addition to the goal of reducing greenhouse gas (GHG) emissions. The CA IOUs support FDAS requirements for secure, bi-directional, reliable, and open-standard based communication that allows devices to receive and respond to demand flexibility signals from utilities, authorized third parties, or the CEC’s Market Informed Demand Automation Server (MIDAS). As noted in prior comments on this topic, the CEC’s FDAS should harmonize with other CEC or state efforts, such as the CEC load management standards that will require utilities to maintain up-to-date rate information in the MIDAS database. The CEC should incorporate the load management standard requirements into future FDAS rulemakings by requiring FDAS-regulated devices (or devices via their manufacturer clouds) to be able to connect to the MIDAS application programming interface, download relevant rate schedules, GHG signals, or price signals, and schedule device operation in response to these signals. We recommend the CEC collaborate with utilities, manufacturers, regulatory agencies, and other stakeholders (e.g., aggregators) in the development of future FDAS to ensure that the standards are consumer-friendly, that they support a balanced and reliable grid, and that they realize the goal of reducing GHG emissions via demand flexibility. Specifically, we suggest that the CEC form a workgroup to engage with stakeholders early in the development of future rulemakings and engage in a robust pre-rulemaking process to vet the scope and standards of future proposals.

The CA IOUs appreciate the opportunity to provide these comments regarding the CEC Rulemaking on Flexible Demand Appliance Standards for Pool Controls. We thank the California Energy Commission for its consideration. We look forward to the next steps in the process.

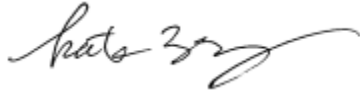
Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Eilert". The signature is fluid and cursive, with the first name being more prominent.

Patrick Eilert
Manager, Codes & Standards
Pacific Gas and Electric Company

A handwritten signature in black ink, appearing to read "Christopher Malotte". The signature is cursive and somewhat stylized.

Christopher Malotte
Sr. Manager, Codes and Standards
Southern California Edison

A handwritten signature in black ink, appearing to read "Kate Zeng". The signature is cursive and somewhat stylized.

Kate Zeng
ETP/C&S/ZNE Manager
Customer Programs
San Diego Gas & Electric Company